

1 Ian P. Fellerman (SBN 119725)
Email: ifellerman@reedsmith.com
2 REED SMITH LLP
1999 Harrison Street, Suite 2400
3 Oakland, CA 94612-3572

4 **Mailing Address:**
P.O. Box 2084
5 Oakland, CA 94604-2084

6 Telephone: 510.763.2000
Facsimile: 510.273.8832

7 Attorneys for Defendant
8 PODS, Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 ISAAC TANNER,

12 Plaintiff,

13 vs.

14 PODS, INC., et al.,

15 Defendants.

Case No. C07-02392 JL

**DECLARATION OF IAN P. FELLERMAN
IN SUPPORT OF DEFENDANT'S
MOTION FOR SANCTIONS**

Date: September 26, 2007
Time: 9:30 a.m.
Courtroom: F

Hon. James Larson

16
17
18
19 I, Ian P. Fellerman, declare as follows:

20
21 1. I am counsel for Defendant PODS, Inc. in this action. As such, I have
22 personal knowledge of the facts stated herein and could competently testify thereto.

23
24 2. On May 2, 2007, the Court issued an Order setting an initial Case
25 Management Conference for August 8, 2007.

26
27 3. On August 1, 2007, the parties filed their Joint Case Management Statement
28 in advance of the August 8, 2007 Case Management Conference.

1 4. I attended the August 8, 2007 Case Management Conference. Plaintiff's
2 counsel failed to appear at the Conference. I informed the Court that Plaintiff's counsel previously
3 indicated he would be on vacation from August 2, 2007 to August 16, 2007. Judge Larson
4 continued the Case Management Conference to September 12, 2007 and he invited me to file a
5 motion for sanctions to recover the attorneys' fees Defendant incurred relating to the Case
6 Management Conference.

7
8 5. I spent two hours attending the hearing of the Case Management
9 Conference, including travel time to and from the Conference. In addition, I spent an hour
10 preparing the pending motion for sanctions and I anticipate spending two hours attending the
11 hearing on the motion. My hourly billing rate on this matter is \$395.00.

12
13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing facts are true and correct. Executed this 16th day of August 2007, at
15 Oakland, California.

16
17 
18 Ian P. Fellerman

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1999 Harrison Street, Suite 2400, Oakland, CA 94612-3572. On August 16, 2007, I served the following document(s) by the method indicated below:

DECLARATION OF IAN P. FELLERMAN IN SUPPORT OF DEFENDANT'S MOTION FOR SANCTIONS

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California, addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

M. Van Smith
1696 Mendenhall Drive
San Jose, CA 95130
(408) 364-1062 (T)
(408) 273-6496 (F)

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 16, 2007, at Oakland, California.


Kathy Jenkins

REED SMITH LLP
A limited liability partnership formed in the State of Delaware